

Office of the Attorney General

Washington, D. C. 20530

July 7, 1981

MEMORANDUM TO: Herbert Ellingwood
Deputy Counsel to the President

FROM: Hank Habicht
Special Assistant to the Attorney General

SUBJECT: Appellate Court Decisions of Judge Sandra O'Connor

Enclosed, per your request, is a synopsis of Sandra O'Connor's Court of Appeals decisions prepared during the early phase of our search process. The asterisks (*) denote her criminal decisions.

In the criminal law area, Judge O'Connor displays strong deference to trial court rulings and findings. She also frequently employs "waiver" rules to preclude appeals based upon procedural objections, and has an apparently healthy disdain for the exclusionary rule, which she reaffirmed in interviews. In the State Senate, she sponsored a death penalty bill after the Furman v. Georgia decision, as well as other legislation, such as increased penalties for drug offenders.

Please advise of any questions you may have on the foregoing.

Attachment

HONORABLE SANDRA J. O'CONNOR

Arizona Court of Appeals

SANDRA D. O'CONNOR (Arizona Court of Appeals)

TAB	CASE	SUBJECT MATTER	HOLDING (MAJORITY OPINION)	OBSERVATIONS
A	<u>Helena Chemical Co. v. Coury Bros. Ranches, Inc. (1980)</u>	<u>Standard for Granting new trial.</u>	For plaintiff-appellant. Restrictions by trial judge upon cross-examination and refusals to admit evidence are generally not grounds for a new trial if objections are not raised in a timely fashion at trial.	1. Reversed trial court for of new trial. 2. Concursory but concised opinion based upon need for finality in litigation
B	<u>Blair v. Stump (1980)</u>	Equal Protection	For plaintiff-appellee. Forcible entry and detainer statute which requires tenant to post bond of double annual rental ir-rationally discriminates on its face against indigent and many nonindigent tenants.	Upheld lower court findings. Concise and clear equal protection analysis.
C	<u>Cooper v. Arizona Western College District Governing (1980)</u>	State Open Meeting Law	For defendant-appellant. Actions of college governing Board were not irreversibly void under open meeting statute because they were taken in executive session, since a later public session to discuss the Board decisions could cure the defect.	1. Reversed lower court nullification of Board actions. 2. Opinion displays impressive statutory construction skills and desire not to overturn executive branch administrative actions if at all feasible
D	<u>J.C. Penney Co. v. Arizona Dept. of Revenue (1980)</u>	Equal Protection: Constitutionality of rental occupancy tax.	For defendant-appellee. Legislative distinction between tenants of tax-exempt lessors and non-tax-exempt lessors is rational in view of entire state tax legislative scheme.	1. Affirmed lower court findings. 2. Opinion engages in a careful review of entire tax law scheme in an effort to preserve state legislative
E	<u>O'Malley Lumber Co. v. Riley (1980)</u>	Construction of State Mechanic's Lien Statute.	For plaintiff-appellee. Plaintiff contractors who rebuilt defendants home from the foundation created a new "dwelling" which permitted recordation of mechanic's lien under state law.	1. Affirmed trial court. 2. Opinion reasons that statutory construction should avoid resort to extraneous evidence of legislative intent when statute's meaning is clear on its face.

<u>TAB</u>	<u>CASE</u>	<u>SUBJECT MATTER</u>	<u>HOLDING (MAJORITY OPINION)</u>	<u>OBSERVATIONS</u>
* F	<u>State v. Miguel</u> (1980)	Requirement of 12-member jury in Criminal trial.	For defendant-appellant, Arizona statute requiring 12-member jury for felonies involving potential prison terms of more than 30 years applies to multi-count criminal charges in which consecutive sentences would exceed 30 years.	1. Ordered retrial with 12-member jury. 2. Despite retrial order, Judge O'Connor addressed and rejected the defendant's sufficiency of evidence objection to guide the lower court on retrial.
* G	<u>State v. Brooks</u> (1980)	Armed robbery: 1. Fourth Amendment propriety of auto-mobile stop. 2. Voluntariness of confession.	For state-appellee. 1. Investigative stop of defendant's automobile was based upon reasonable suspicion. 2. Trial court determination that defendant's confession was voluntary under all circumstances was not erroneous.	1. Upheld lower court conviction. 2. Opinion thoroughly reviews more than 10 procedural objections asserted by defendant, deferring to the trial court determination employing "harmless error" rule in each case.
H	<u>Ryan v. Industrial Commission of Arizona</u> (1981)	Eligibility for state employee benefits.	For defendant-respondent. State industrial commission finding that employment contract was consummated outside of Arizona and therefore is not governed by Arizona law, is supported by substantial evidence.	1. Upheld administrative determination in favor of employer. 2. Concise opinion which accords reasonable deference to administrative agency determinations.
I	<u>Andrews v. Andrews</u> (1980)	Review of trial court child support ruling.	For defendant-appellee. Trial court setoff of mortgage payments made by husband against child support arrearages was not abuse of discretion.	1. Upheld trial court judgment. 2. Opinion is noteworthy on its application of a deferential standard of review.

TAB	CASE	SUBJECT MATTER	HOLDING (MAJORITY OPINION)	OBSERVATIONS
J	<u>Thompson v. Ariz. Department of Economic Security (1980)</u>	Entitlement to State unemployment benefits.	For plaintiff-appellant. The fact of consistently late payments of wages may make employee's resignation sufficiently "involuntary" to entitle her to statutory unemployment benefits.	1. Remanded administrative agency dismissal of claim. 2. Well-reasoned opinion.
K	<u>Town of El Mirage v. Industrial Commission of Arizona (1980)</u>	Administrative procedure requirements at workmen's compensation claim hearing.	For defendant-appellant. Award of workmen's compensation cannot be based upon hearing in which employer was not afforded an opportunity to cross-examine claimant, on key factual issues.	1. Award to claimant set aside. 2. Award of social insurance funds must be based upon fair hearing procedures.
* L	<u>State v. Ferrari (1975) (Sitting on Arizona Supreme Court by designation)</u>	Review of trial court evidentiary rulings and jury instructions in murder trial.	1. Felony-murder instruction was proper. 2. Failure of court to change venue was proper in view of limited and state nature pretrial publicity. 3. Calling of certain fact witnesses by the court was not an abuse of discretion.	1. Trial court conviction upheld. 2. Extremely thorough but deferential review of case basis for the appeal.
* M	<u>State v. Blevins (1981)</u>	Sufficiency of evidence to support manslaughter conviction.	For the State. Vehicular manslaughter conviction may be sustained on circumstantial evidence alone.	1. Trial verdict upheld 2. Deferential review of trial court fact findings
N	<u>Magma Copper Co. v. Arizona Department of Economic Security (1980)</u>	When misconduct by employee disqualifies him for unemployment benefits.	For plaintiff-appellee. Mere fact that employee is incarcerated does not, without more, disqualify him for unemployment benefits unless employer proves work-related misconduct.	Administrative agency determination upheld in well-reasoned opinion.
* O	<u>State v. Schoonover (1981)</u>	1. Voluntaryness of guilty plea. 2. Review of evidence adduced at sentencing hearing.	1. If guilty plea agreement clearly sets forth constitutional rights which defendant waiving by guilty plea, judge need not orally apprise defendant of each right waived. 2. Judge's refusal to permit defendant to take certain depositions prior to sentencing hearing was not abuse of discretion.	1. Sentence and guilty plea upheld. 2. Reasoned application of waiver and harmless error in appellate review of criminal matters.

TAB	CASE	SUBJECT MATTER	HOLDING (MAJORITY OPINION)	OBSERVATIONS
P	State v. Morgan (1981)	Propriety of prosecution closing arguments.	For State. Prosecution mention of defense's failure to present any evidence was not, in context, a violation of defendant's Fifth Amendment right to remain silent.	1. Conviction affirmed. 2. Opinion strains somewhat to avoid overturning conviction but appears to be correct on the facts.

THE WHITE HOUSE
WASHINGTON

logged
018721 CA
FY: FE051

CABINET ADMINISTRATION STAFFING MEMORANDUM

DATE: July 18, 1981 NUMBER: 018721 CA DUE BY: --

SUBJECT: Judge Sandra O'Connor Biographical Information

	ACTION	FYI		ACTION	FYI
ALL CABINET MEMBERS	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Baker	<input type="checkbox"/>	<input type="checkbox"/>
Vice President	<input type="checkbox"/>	<input type="checkbox"/>	Deaver	<input type="checkbox"/>	<input type="checkbox"/>
State	<input type="checkbox"/>	<input type="checkbox"/>	Allen	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input type="checkbox"/>	<input type="checkbox"/>	Anderson	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input type="checkbox"/>	<input type="checkbox"/>	Garrick	<input type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input type="checkbox"/>	<input type="checkbox"/>	Gray	<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input type="checkbox"/>	<input type="checkbox"/>	Beal	<input type="checkbox"/>	<input type="checkbox"/>
Commerce	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Labor	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HHS	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
HUD	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Transportation	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Energy	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Education	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			
	<input type="checkbox"/>	<input type="checkbox"/>			

Remarks:

Attached is biographical information concerning Judge Sandra O'Connor.

RETURN TO:

Craig L. Fuller
Deputy Assistant to the President
Director,
Office of Cabinet Administration
456-2823

SANDRA D. O'CONNOR

BIOGRAPHICAL INFORMATION

Sandra D. O'Connor, 51, currently serves as a judge on the Arizona Court of Appeals. Prior to her appointment in 1979 to her present position, she served as a Superior Court judge in Phoenix, Arizona, from 1975 until 1979. She went on the bench after five years in the Arizona State Senate, where she became Senate majority leader in 1973. Before becoming a State Senator, Judge O'Connor served as Assistant Attorney General of Arizona from 1965 until 1969.

Judge O'Connor was born on March 26, 1930, in El Paso, Texas. She is the daughter of a pioneer Arizona ranching family, with ranching interests in Arizona and New Mexico. Because of the remoteness of her family home in eastern Arizona, Judge O'Connor was educated at a private girls' school in El Paso. She attended Austin High School, a public school in El Paso, and graduated in 1947.

In the fall of 1947, Mrs. O'Connor entered Stanford University. Majoring in economics, she graduated in 1950 at the age of 20. She graduated with the honor of Great Distinction, the highest academic honor bestowed by the University. Upon her graduation, she entered Stanford Law School, where she was elected during her second year to the legal honorary society, the Order of the Coif. Mrs. O'Connor was one of eight individuals in her class elected to that society as a second-year student. She also served on the Stanford Law Review, becoming a member of the Board of Editors of the Review during her third year.

Upon graduation from law school at the age of 22, Mrs. O'Connor was named Deputy County Attorney for San Mateo County, California. As Deputy County Attorney, Mrs. O'Connor represented municipal entities, including utility and other special districts, in a broad range of legal matters. She served in that capacity until 1953, when her husband, John Jay O'Connor III, who is now a lawyer in Phoenix, entered military service upon his graduation from the Stanford Law School. By virtue of Mr. O'Connor's assignment in Frankfurt, Germany, Mrs. O'Connor secured a position as a civil attorney on the staff of the Quartermaster General in Frankfurt. Engaging in the review, analysis and drafting of bids, contracts and other legal instruments, Mrs. O'Connor served in that capacity throughout her husband's tenure in Frankfurt.

Returning to Arizona following her husband's military service, Mrs. O'Connor established a private law practice in Maricopa County in 1959. She engaged full time in the general practice of law until the birth of her sons, Scott who is now 22, Brian, 19, and Jay, 17. From 1961 until 1965, Mrs. O'Connor raised the family's three children, practiced law part-time, and was active in civic and political affairs in Phoenix.

In 1965, Mrs. O'Connor returned to her professional career full time, being selected as Assistant Attorney General of Arizona. Representing state agencies such as state hospitals and the state welfare department, Mrs. O'Connor served in that capacity until 1969.

In 1969, Mrs. O'Connor was appointed as a member of the Arizona State Senate by the Maricopa County Board of Supervisors to fill the unexpired term of a state senator who left to accept a government position in Washington, D.C. She was elected to the State Senate in her own right in 1970 and was overwhelmingly reelected in 1972. In 1972 and 1973, she served as Chairman of the State, County and Municipal Affairs Committee in the State Senate. In 1973, Mrs. O'Connor was elected as Majority Leader of the Arizona State Senate, the first woman in Arizona to hold that position, and one of the first women in the Nation to serve in such a capacity.

After two years as Majority Leader, Mrs. O'Connor determined to leave the legislative arena and to enter judicial service. She ran for and was elected as a Superior Court judge in 1974, taking office in 1975. As a state trial judge, Judge O'Connor handled numerous civil and criminal cases. She received a 90 percent rating in September 1976 from members of the Phoenix bar for overall performance, with a 97 percent rating for integrity in carrying out the duties of her office. In a 1978 survey of Phoenix attorneys, Judge O'Connor garnered an 85 percent overall rating and a 97 rating for integrity. In the November 1978 election, Judge O'Connor was retained in office as a trial court judge.

Following four years of service on the state trial bench, Judge O'Connor was elevated in 1979 by Governor Bruce Babbitt to the Arizona Court of Appeals, the twelve member intermediate appellate court of the State. Judge O'Connor has served in that capacity until the present time, garnering in 1980 a 90 percent overall rating from the bar and a 97 percent rating for judicial integrity.

In addition to her positions in public service, Judge O'Connor has served as a Member of the Board of the Smithsonian Associates, a Member of the Board of Trustees of Stanford University, and as president of the Board of Trustees of the Heard Museum in Phoenix. She also served as president of the Junior League of Phoenix and as a board member of the Salvation Army Advisory Board, the YMCA of Maricopa County, the Phoenix Historical Society, the Phoenix Country Day School, and Golden Gate Settlement. Mrs. O'Connor also served as a member of the board of directors of the First National Bank of Arizona and of Blue Cross/Blue Shield Arizona. She continues to serve as a member of the board of her family's ranching firm in Duncan, Arizona.

Besides her numerous board memberships, Judge O'Connor served as Vice Chairman of the Select Law Enforcement Review Commission in 1979-1980, Chairman of the Maricopa County Bar Association's Lawyer Referral Service in 1960-1962, Chairman of the Maricopa County Juvenile Detention Home Visiting Board 1963-1964, and as Chairman of the Arizona Supreme Court Committee to Reorganize Lower Courts in 1974-1975. Active in Arizona political circles, Mrs. O'Connor was Co-Chairman of the Arizona Committee to Re-Elect the President in 1972 and served as Republican District Chairman and as a member of the Arizona State and Maricopa County Republican Committees. She was actively sought out as a Republican gubernatorial candidate during two election races.

In recognition of her achievements, Mrs. O'Connor was selected in 1975 for the Annual Award of the National Conference of Christians and Jews. In 1972, she was selected as "Woman of the Year" by the Phoenix Advertising Club. Arizona State University presented her in 1980 with the Distinguished Achievement Award.

Judge O'Connor is a member of the State Bars of Arizona and California and is a member of the Maricopa County Bar Association.

She resides with her husband, a senior partner in the Phoenix law firm of Fennemore, Craig, von Ammon & Udall, in the Phoenix suburb of Paradise Valley.

In announcing on July 7 his intention to nominate Judge O'Connor as an Associate Justice of the United States Supreme Court, President Reagan stated: "Judge O'Connor brings a truly outstanding background to the Court. She has served with great ability as a lawyer for the State of Arizona, as a State Senator who rose quickly to become Senate Majority Leader of her State, and as a distinguished trial court judge and appellate judge. Her academic background is superb. Judge O'Connor brings to the bench the qualities of excellence, competence, temperament and a strong sense of the appropriate role of the judiciary and of the federal government in our lives. I have every confidence that, upon her confirmation, she will be an outstanding and distinguished Justice."

ID # 029858

F0051

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD)

8/106/24

Name of Correspondent: John Rhodes

☐ MI Mail Report

User Codes: (A) END (B) (C)

Subject: Recommends Judge Sandra O'Connor for Associate Justice of the Supreme Court.

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
LA	FRIE	ORIGINATOR	8/106/25	NAN	C	8/109/16
		Referral Note:	/ /			/ /
		Referral Note:	/ /			/ /
		Referral Note:	/ /			/ /
		Referral Note:	/ /			/ /

ACTION CODES:

A - Appropriate Action
C - Comments
D - Draft Response
F - Fact Sheet

I - Info Copy/No Action Necessary
R - Direct Reply w/Copy
S - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral

C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response = Initials of Signer
Code = "A"
Completion Date = Date of Outgoing

Comments:

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, OEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

JOHN J. RHODES
1ST DISTRICT, ARIZONA

MEMBER:
COMMITTEE ON
RULES

Congress of the United States
House of Representatives
Washington, D.C. 20515

2310 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515
(202) 225-2635

FREDERICK K. ALDERSON
ADMINISTRATIVE ASSISTANT

DISTRICT OFFICES:
ROBERT J. SCANLAN
ADMINISTRATIVE ASSISTANT

2990 VALLEY CENTER
PHOENIX, ARIZONA 85073
(602) 261-3181

2111 EAST BROADWAY ROAD
SUITE 4
TEMPE, ARIZONA 85282
(602) 968-7297

June 23, 1981

029858

The President
The White House

Dear Mr. President:

The purpose of this letter is to recommend the appointment of Judge Sandra O'Connor as Associate Justice of the Supreme Court -- a subject discussed with Mr. John Dressendorfer of your staff on June 19.

Judge O'Connor is an individual whose background and experience clearly qualify her as an outstanding candidate for the vacancy created by the resignation of Justice Stewart. She served four years as Arizona's Assistant Attorney General, six years in the State Senate, and four years as a Superior Court Judge. In 1979 she began a six-year term as a presiding judge on the Arizona Court of Appeals.

It is important to note that during these years of public service, Judge O'Connor has held a number of responsible positions outside of government. She has been a member of Stanford University's Board of Trustees and is currently President of the Board of Directors of the Heard Museum and a member of the Board of Directors of the Phoenix Historical Society.

Without question, Judge O'Connor would serve with distinction as a member of our highest court. She is not only recognized as an outstanding jurist, but also as an individual with the highest moral and ethical values. Accordingly, it is requested that she be given every possible consideration.

Thank you, and best wishes.

Yours sincerely,


Barry Goldwater


John J. Rhodes

JJR:ad

THE WHITE HOUSE
WASHINGTON

Date: 7/10/81

NOTE FOR: MAX FRIEDERSDORF

The President has

seen XX

acted upon _____

the attached; and it is forwarded
to you for your information.

Richard G. Darman
Deputy Assistant to the President
and Staff Secretary
(X2702)

cc:

*Ltr from Sen. Strom Thurmond re Nomination
of Sandra O'Connor*

C.F.

01984055

PY

FG051

The President has seen _____

THE WHITE HOUSE

WASHINGTON

July 7, 1981

OK
DR

MEMORANDUM FOR THE PRESIDENT

FROM: Max L. Friedersdorf *M-L*
SUBJECT: Attached letter from Senator Thurmond

The attached letter was hand delivered to the White House from Senator Thurmond, and I thought you would be interested in seeing the letter and the attachment.

STROM THURMOND, S.C., CHAIRMAN

CHARLES MCC. MATHIAS, JR., MD.
PAUL LAXALT, NEV.
ORRIN G. HATCH, UTAH
ROBERT DOLE, KANS.
ALAN K. SIMPSON, WYO.
JOHN EAST, N.C.
CHARLES E. GRASSLEY, IOWA
JEREMIAH DENTON, ALA.
ARLEN SPECTER, PA.

JOSEPH R. BIDEN, JR., DEL.
EDWARD M. KENNEDY, MASS.
ROBERT C. BYRD, W. VA.
HOWARD M. METZENBAUM, OHIO
DENNIS DECONCINI, ARIZ.
PATRICK J. LEAHY, VT.
MAX BAUCUS, MONT.
HOWELL HEFLIN, ALA.

VINTON DEVANE LIDE, CHIEF COUNSEL
QUENTIN CROMMELIN, JR., STAFF DIRECTOR

United States Senate

COMMITTEE ON THE JUDICIARY
WASHINGTON, D.C. 20510

July 7, 1981

PERSONAL AND CONFIDENTIAL

The President
The White House
Washington, D.C. 20500

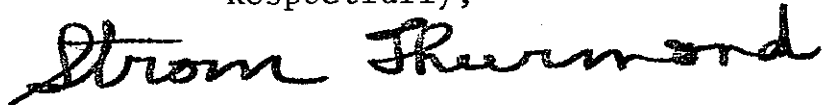
Dear Mr. President:

I am attaching a list of objections to the nomination of Sandra O'Connor that were sent to me by various people.

I felt that you should have this list for your use in such discussions as you may have with Senators and interested citizens.

With best personal regards,

Respectfully,



Strom Thurmond
Chairman

ST:jep

Enclosure

SANDRA O'CONNOR

1. During 1970 she supported an abortion on demand bill in the Committee on the Judiciary of the Arizona Senate and in the Arizona Senate Republican Caucus.
2. In 1972 she introduced in the Arizona Senate the Equal Rights Amendment ratification resolution.
3. In 1973 she was the prime sponsor in the Arizona Senate of S. 1190, a bill to allow abortion information to be sent to minors without parental consent.
4. In 1974 she voted in the Arizona Senate against a resolution petitioning the United States Congress for passage of the Human Life Amendment.
5. In 1977, at the request of Bella Abzug, she served as keynote speaker at the Arizona state convention of the United Nations' International Women's Year.
6. The July 2, 1981 issue of the Phoenix Gazette stated
"In 1974, O'Conner sponsored a measure to submit the Equal Rights Amendment to an advisory referendum but it died in committee. That same year she was one of 9 Senators to oppose a bill which would have outlawed abortions in Tuscons University Hospital unless the mother's life was in danger."
7. Women Today, which publishes a directory of feminist organizations, lauded her in a feature article.
8. She is reported to be an intimate friend of Mary Crisp and other Republicans generally identified with the liberal wing of the Republican Party.
9. She is believed to have gone on record against tuition tax relief.
10. She may have publicly espoused stringent gun control.
11. As a judge of an inferior court of a state bench she is viewed by many as inadequately experienced for the position of Justice of the United States Supreme Court.

01983755

PY: FED51

PE002-01
ME003
PR002

THE WHITE HOUSE
WASHINGTON

7-8-81

Dick —

I think
Dr. Willke has gotten
his answer and so
response will help.

Anne

July 8, 1981

NOTE FOR ANNE HIGGINS

Please draft a response for
the President's signature and
return to my office for
processing.

Thank you.

Richard G. Darman

Attachment

John C. Willke
National Right to Life
re: Announcement of Dr. J. ...

D M P



Suite 341, National Press Bldg. — 529 14th Street, N.W. —
Washington, D. C. 20045 — (202) 638-4396

2 JUL 1981
7 pm

July 1, 1981

The President
The White House
Washington, DC 20500

Dear Mr. President,

It has come to our attention that Sandra D. O'Connor, an Arizona jurist, is a candidate for the U. S. Supreme Court vacancy. I would like to submit our evaluation of her from a prolife standpoint. This is an elaboration of our listing of her as "not acceptable" in the list of candidates which we delivered to you on June 26.

While an Arizona State Senator in 1974, she was a member of that body's judiciary committee. A memorialization resolution asking the U. S. Congress to pass a Human Life Amendment had passed the Arizona House by a wide margin. It was killed in the majority caucus of the Arizona State Senate and it is our understanding that hers was one of the deciding votes against the memorialization.

Prior to the International Women's Year Conference in Houston in 1977, there were preliminary meetings in each state to elect delegates. With several notable exceptions, all states including Arizona sent delegations composed almost exclusively of people who were pro-abortion, pro-ERA, and pro-lesbian. Sandra O'Connor keyed the Arizona meeting, reflecting these anti-life and anti-family themes.

The immediate past president of the National Right to Life Committee is Dr. Carolyn Gerster, a practicing cardiologist in Scottsdale, Arizona. She knows Ms. O'Connor personally and politically. She has stated that Ms. O'Connor is "strongly pro-abortion" and that her appointment to the U. S. Supreme Court would be "a prolife disaster."

With all due respect and best wishes, I submit this information to you. Our organization concurs with Dr. Gerster's evaluation and recommends in the strongest possible way that Ms. O'Connor be dropped from consideration. The appointment of a person such as Ms. O'Connor would be interpreted by prolife people across the nation as a direct repudiation of both the Republican Platform and of your public commitment regarding judicial appointments.

Sincerely,



WARREN G. SWEENEY

EXECUTIVE DIRECTOR

- + Education
- + Legislation
- + Political Action
- = Human Life Amendment

341 Nat'l Press Bldg.
529 14th St., N.W.
Washington, DC 20045
(202) 638-7940
(202) 638-4396

A handwritten signature in cursive script that reads "John C. Willke, M.D." with "N.D.S." written below it.

John C. Willke, M. D.
President

BB

The President has seen

01996135

THE WHITE HOUSE

WASHINGTON

July 18, 1981

BY FE051
FE031

MEMORANDUM FOR THE PRESIDENT

FROM: MAX L. FRIEDERSDORF *M.L.F.*
SUBJECT: JUDGE O'CONNOR, *Sandra*

Judge O'Connor returned to Arizona this morning after a week's activity here in which she:

- 1) Visited personally 39 Senators.
- 2) Visited personally the House Republican and Democratic Leadership and jurisdictional chairmen and ranking members.
- 3) Met with the ABA.
- 4) Met with Rep. Henry Hyde (R-Ill.), Mr. Anti-abortion in the House.

At this juncture there is not a single vote committed or announced against Mrs. O'Connor.

Our interviews and courtesy calls turned up eight problem Senators: D'Amato, Denton, Grassley, Helms, Nickles, East, Jepsen and Humphrey.

The meeting with Hyde, held at Justice, was positive. Hyde indicated he believes the anti-O'Connor activities by the Right-to-Life groups are damaging to those groups; agreed to call on the eight "problem" Senators with the following line: Mrs. O'Connor is going on the Court, she cannot be defeated, so why make an enemy. Hyde also indicated he would make a supportive statement at the appropriate time.

Hearings are not likely to start until Wednesday, September 9.

Mrs. O'Connor will be sending personal thank you letters to all the Congressmen and Senators she visited, and preparing herself during the recess to be the best possible witness. She has received all pertinent briefing materials and transcripts and we will be in touch with her during the interim before her hearing.